

**Aylesbury Vale District Council**

**DECISION OF THE LICENSING AND GAMBLING ACTS SUB-COMMITTEE FOLLOWING  
A HEARING ON 12 AUGUST 2014 AT THE COUNCIL'S GATEWAY OFFICES,  
GATEHOUSE ROAD, AYLESBURY**

**Application by Profound Decisions Ltd for a premises licence for Tournament Stud,  
Syresham Fields Farm, Biddlesden, Buckinghamshire, NN13 5TR**

**Members of the Sub-Committee**

Cllr Timothy Mills (Chairman)

Cllr Judy Brandis

Cllr Janet Blake

**Declarations of interest**

None

**The application**

The Sub-Committee has given careful consideration to the application before it, namely to grant a time limited premises licence for Tournament Stud, Syresham Fields Farm, Biddlesden from the 1 August to the 14 September 2014.

In general terms the application seeks permission for the sale of alcohol, provision of live music and late night refreshment as follows.

Sale of alcohol (for consumption on and off the premises) and Live music (indoors and unamplified)

Monday – 1100 to 1500

Thursday & Friday – 1800 to 0100

Saturday & Sunday – 1100 to 0100

Late night refreshment (indoors and outdoors)

Thursday, Friday, Saturday and Sunday – 2300 to 0100

It is intended by the applicant to use the permissions to support a live role-playing event played out over a weekend.

Although none of the responsible authorities opposed the application it did result in relevant representations from 9 local residents and 2 parish councils. These raised a number of issues relating to traffic and parking, particularly during wet weather, noise late at night, inadequate toilet and drainage provision, the impact on a local public footpath and litter, refuse and equipment left behind on the site.

Profound Decisions Ltd were represented by the director Matthew Pennington. Also present was Jay Mehta, a solicitor representing 3 local residents, Mr Randall, Mr Kay and Mr Miller. In addition 2 other residents attended and took part in the hearing, Mr Gilroy and Mr Beecher who spoke on behalf of his wife. Apologies were received from several other residents,

including Mr and Mrs Muddiman, Mr Borthwick, Mrs Beecher, Mr Kay and Syresham Parish Council. All wished for their written objections to be taken into consideration which we did.

Peter Seal, the Council's Licensing Services Manager presented the application to the Sub-Committee and parties present. He pointed out that this was a time limited premises licence to permit a live roleplaying event over a weekend. Profound Decisions Ltd are a roleplaying company specialising in player-led events. The main purpose of the event is to role play battles in historic dress and character. The licensable activities, namely sale of alcohol, provision of live music and late night refreshment are largely ancillary to the event itself but nevertheless needed to be determined.

Mr Seal informed the Sub-Committee that in previous years Profound Decisions had organised events under the authority of Temporary Event Notices (TENs), a permission less formalised and subject to much less consultation than a premises licence. To date these events had not yielded complaints. However with their growth Profound Decisions were advised last year to seek a premises licence. It was hoped that the application would be received earlier to permit this year's season of events. Unfortunately this did not happen and the events this year have continued under the authority of TENs.

Mr Mehta on behalf of a number of local residents began the discussion concentrating on 3 areas. These in summary were traffic and access, public nuisance and the prevention of crime and disorder.

Mr Mehta pointed out that Biddlesden is a rural location accessed via the A43. The approach is a relatively narrow, country road with steep verges and unlit. Mr Mehta drew attention to the fact that approximately 1700 attendees, including volunteers were expected and he had calculated that with car sharing this amounted to about 500 vehicular movements over a 2 day period. The experience of Biddlesden residents was that during previous events 100's of cars pass through from the A43. Access is narrow, unlit and the road network simply cannot cope and Mr Mehta recommended that the application be refused on the grounds of public safety. He also raised the issue of parking. Whilst generally there is sufficient parking on site, during wet weather attendees have been forced to park on the highway, which further narrows the roads and only makes the situation worse.

In respect to the public nuisance licensing objective Mr Mehta reminded the Sub-Committee that his observations are based on actual experience of events. Up to a 1000 people have attended this event in the past. Noise from the mock battles is very intrusive and includes cannon fire and fireworks. During the evening and late at night a gathering of 1000 people is bound to be significant and it is not surprising that the adjacent village is disturbed. Furthermore it continues long after 1.00 a.m.

Finally Mr Mehta dealt with the impact of the application on the crime and disorder objective. He drew attention to the security arrangements that only 14 security staff were available to deal with 1400 attendees. He pointed out that the site was unfenced and not a secure site and that 14 staff could not adequately police the unfenced perimeter of the event. Mr Mehta said that it was not the nature of the event that concerned him but its location. It should be further away from the local residents, properly secured and policed.

Mr Gilroy asserted that Biddlesden was not a village but a hamlet and with 500 to 600 cars passing through it was dangerous. He said he was also affected by the procession of taxis. Many residents park on the highway which of course further narrows the highway. In relation to noise Mr Gilroy said that it carries and goes on to 2.00 a.m.

Mr Pennington asked Mr Gilroy why he had not spoken to him before about his concerns. Mr Gilroy replied that he thought at first it was an informal hobby of the land owner. He had not appreciated that it was a formal and organised event. As such he had not considered the necessity to collect evidence and raise it with someone. It was only in the last 2 years when skips and porta cabins arrived on site that he appreciated this was a formal and annual occurrence.

Cllr Mrs Blake asked in respect to the concerns regarding traffic if anyone had actually been hurt and was told that there had been no accidents to date. She also asked Mr Gilroy if he would object to 1 or 2 events per year, to which he replied an event once or twice a year would not be a problem but this involves over a 1000 people and goes beyond a rural celebration. Finally Cllr Mrs Blake asked if Mr Gilroy had ever complained to South Northants Council. Mr Gilroy said he had not but his wife did speak to Peter Seal in AVDC licensing but at the time wished to remain anonymous.

At this point Mr Pennington was asked to clarify how many events he was seeking to hold up to the 14 September. Mr Pennington informed the Sub-Committee that currently he runs 6 events per year and only 1 event is remaining. He would require the licence to cover Thursday to Sunday – 11 to 14 September only and agreed to reduce the scope of the licence to these dates.

Cllr Mrs Brandis asked Mr Gilroy if he had complained to Environmental Health. He said that he had on one occasion telephoned the police but they were not helpful. He had not contacted Environmental Health. Cllr Mills asked if the event results in traffic tailbacks and Mr Gilroy confirmed that it regularly results in queueing. He also asked Mr Mehta why he thought the security insufficient, particularly as there were no police concerns. Mr Mehta admitted that he was not a security expert but looking at security arrangements in pubs it seemed inadequate. He could not account for the police's views but pointed out that some of the representations mention thefts.

Mr Pennington then gave a brief description of the Profound Decisions event. He had been operating for 4 years using TENS obtained from South Northants District Council. He was later informed that the site was in fact in Aylesbury Vale and thus obtained TENS from them for the last 2 years. He has 6 events per year and there was no intention or even scope to increase that number. Mr Pennington said that before he made his application for a premises licence he had no idea that local residents had such strong concerns about his events. In the last 2 years the business had significantly increased as had the size and attendance of the events. Mr Pennington described the nature of the role playing games which take part in the persona of the 12<sup>th</sup> century. Mr Pennington sympathised with local residents and acknowledged that for them there was no advantage but just disruption. He admitted that he failed to not cause a nuisance and he would like to resolve the situation.

Mr Pennington told the sub-committee that the events start at 10.00 a.m. and at around 11.00 a.m. they engage in battles and skirmishes which are loud. There was no cannon fire

but they do use special effects. It is, in Mr Pennington's words 'lively and loud'. However Mr Pennington advised that these only take place during the daytime as it would be too dangerous at night. During the evening and night time groups get together and socialise, either in the 'Tavern' or by their tents and this can go on to 1 or 2.00 in the morning. He did not realise it was a problem until he made this application.

In respect to the security of the event Mr Pennington said that he had never had a problem with unauthorised access. Profound Decisions was not advertised locally and is attended by hobbyists, many of which return again and again. It would be very easy to identify someone who was not a customer. Mr Pennington pointed out that the perimeter of the site, although unfenced was edged with thick vegetation and access would be extremely difficult. He had run events for 18 years and never had to call the police. Mr Pennington wanted the sub-committee to appreciate that this was not a music festival but a specialist hobby activity. Alcohol is responsibly consumed and he had never experienced a single incident. 'It just doesn't happen', Mr Pennington said. He admitted that on one occasion he did have a problem with some local travellers and hence he introduced the security arrangements and since then he had not experienced any problems.

Mr Pennington agreed that there was capacity to reduce noise in the evening after 11.00 p.m. by introducing a curfew. His customers would be cooperative as it is a family event and most would prefer to get to sleep. In fact Profound Decisions recently won an award in relation to family entertainment. Mr Pennington pointed out that the licensable activities were very much ancillary to the event. For example the profit from alcohol was not significant but the Tavern was an important social meeting point. Profound Decision events are community based events.

Mr Pennington referred to the parking off site during wet weather. He said it was exceptionally wet last year and some customers parked off site fearing that they would get stuck if on site. Having found out Mr Pennington informed his customers that this cannot happen again. There is plenty of room on site and there are 4x4s that can tow vehicles off if need be. He agreed it was a mistake and it would not happen again.

Mr Pennington was asked what measures could be implemented to address issues. He replied that in relation to security arrangements he had a proven track record with 6 events each year. He had spoken to the police licensing officer who had no problem with security. Mr Pennington suggested that the primary issue was that of noise and he would suggest a 11.00 p.m. curfew which would be stringently managed. He admitted that he could not reduce the noise from the battles themselves but pointed out that the site was less than 2 miles from Silverstone therefore not unused to significant noise pollution.

In relation to traffic disruption Mr Pennington agreed that he needed to discuss the issue with local residents. He did not believe it was a problem on arrival as attendees arrive over a 24 hour period but acknowledged that departure would be. He said that he needed to identify an alternative and less intrusive route and encourage attendees to leave over a longer period. Mr Pennington again said he was not aware until now that there was a problem and that he would like the opportunity to discuss traffic issues with residents. He was asked if he would volunteer any conditions that could be attached to his licence. Mr Pennington said he would put in place arrangements to ensure no parking on the highway and ensure any

excessive mud and debris is cleared from the roads. He also agreed to manage a 11.00 p.m. curfew in the main fields to prevent revelry that was audible over 5 meters.

A discussion then ensued regarding a gate that had been installed that blocks a public right of way and Mr Pennington was asked what measure he would put in place to allow legitimate access. Mr Pennington explained that the gate was important to control access to the site but he would be happy to introduce his security team to local residents. Ultimately he would recommend a walking gate but it was not his property and therefore he could not agree to this at this hearing. Mr Pennington said that he was proactively looking for a new site and made this a time limited application to motivate him to find one before next year's season of events. He was also asked about the various items that are left on site between events. He pointed out that he had made a planning application with South Northants District Council to store these in an adjacent field but this had yet to be granted. He was unaware that it was a problem but he would happily look into it.

Finally members of the Licensing Sub-Committee asked a number of questions relating to the storage of foul waste to which Mr Pennington replied that he was unaware that it was an environmental health problem. He was also asked if he would be prepared to reduce the sale of alcohol by 30 minutes. Mr Pennington replied that he would not. Whilst the sale of alcohol did not significantly contribute to the profitability of the event it was an expectation of attendees. He agreed to attend a residents meeting and to publish an 'event hotline' for residents to be able to contact either himself or some other responsible person during the course of the event.

### **The decision**

We have listened to all the representations and have read all the material.

We have had regard to the statutory guidance issued under section 182 of the Licensing Act 2003, and the Council's own licensing policy.

We confirm that in making our decision we have sought to promote the licensing objectives.

Under the Licensing Act, we cannot modify the conditions or reject the whole or part of the application merely because of unsubstantiated concerns or because we consider it desirable to do so. Any regulation we impose must actually be appropriate in order to promote the licensing objectives and must be supported by the facts and the relevant representations made.

We have taken into account that the objectors have a right to respect for their private and family life and their home. They are entitled therefore not to be disturbed by, for example, unreasonable noise nuisance. However, this is a qualified right and has to be balanced against the rights of others including the rights of businesses in the area to operate.

We are satisfied that in all the circumstances the impact of the grant of the premises licence on the licensing objectives does not justify a rejection of the application for the following reasons.

The amended application is limited in scope in that it is for a single event from 11 to 14 September 2014 and the licensable activities are limited too.

We have to decide this application on its own particular facts and on the information presented to us. We accept that the licensable activities are not a major part of the overall event and in isolation do not impact adversely on the licensing objectives.

A lot of emphasis was placed on the state of the roads after an event last year but this was due to the weather conditions and Mr Pennington was not aware of the complaints at the time. Besides, we were not convinced that the terms in which the complaint was made was referable to public safety or one of the other licensing objectives.

We felt that the level of concern expressed regarding matters such as security etc. were not borne out by the experience of previous events which demonstrate that the events have a successful track record.

A number of the issues raised by the objectors (such as highways, planning and environmental health issues) were purely stand alone issues and not for the licensing regime. We make absolutely clear that our decision to grant a premises licence does not obviate the need for the premises licence holder or the land owner to obtain consent under other regimes and/or from other authorities as appropriate. Neither does it permit, for example, any unlawful interference with the use of a public footpath.

It was also apparent that Mr Pennington was genuinely concerned about the impact of the event on the local community and made a number of suggestions to resolve those concerns or at least to mitigate the impact on residents. It was not appropriate however for them to be imposed as conditions because they required further investigation or liaison with the local community or were beyond the reasonable control of the applicant (as it was a matter for the land owner) or could not be proved. In other words, the conditions would have been unreasonable and/or unenforceable. However the applicant is strongly advised to work with the local community to address the problems raised.

In addition, the fact that none of the responsible authorities raised concerns about this application must weigh heavily with us.

### **Conditions**

Having regard to the representations made, and the above reasons, we are satisfied that no further conditions are appropriate in order to promote the licensing objectives.

### **The effective date of this decision**

This decision takes effect immediately. However, the premises cannot be used in accordance with this decision until the licence (or a certified copy) is kept at the premises and a summary of that licence (or a certified copy) is displayed at the premises. These documents will be issued by Licensing Services as soon as possible.

### **Right of Appeal**

The objectors have a right of appeal to Aylesbury Magistrates' Court against this decision.

If you wish to appeal you must notify Aylesbury Magistrates' Court within a period of **21 days** starting with the day on which the Council notified you of this decision.